

AMENDED IN ASSEMBLY MARCH 14, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1942

Introduced by Assembly Member Nava
(Coauthor: Senator Kuehl)

February 1, 2006

An act to add Sections 833.2 and 13517.7 to the Penal Code, relating to arrests.

LEGISLATIVE COUNSEL'S DIGEST

AB 1942, as amended, Nava. Arrests.

Existing law generally regulates the conditions of arrest.

This bill would express the intent of the Legislature regarding the development of protocols by law enforcement and other entities, pertaining to arresting caretaker parents or guardians of minors, to ensure the safety and well-being of the minor. *The bill would also state that the Legislature encourages the Department of Justice to apply for a federal grant to train local law enforcement agencies and assist them in developing protocols pertaining to child safety when a caretaker parent or guardian is arrested.*

Existing law establishes the Commission on Peace Officer Standards and Training and charges it with various responsibilities.

This bill would require the commission to develop guidelines and training for use by state and local law enforcement officers to address issues related to child safety when a caretaker parent or guardian is arrested, as specified.

By imposing additional training requirements on local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 833.2 is added to the Penal Code, to
2 read:

3 833.2. (a) It is the intent of the Legislature to encourage law
4 enforcement and county child welfare agencies to develop
5 protocols in collaboration with other local entities, which may
6 include local educational, judicial, correctional, and
7 community-based organizations, when appropriate, regarding
8 how to best cooperate in their response to the arrest of a caretaker
9 parent ~~in a home in which a minor child resides~~ of a minor child,
10 to ensure the child's safety and well-being.

11 (b) *The Legislature encourages the Department of Justice to*
12 *apply to the federal government for a statewide training grant on*
13 *behalf of California law enforcement agencies, with the purpose*
14 *of enabling local jurisdictions to provide training for their law*
15 *enforcement officers to assist them in developing protocols and*
16 *adequately addressing issues related to child safety when a*
17 *caretaker parent or guardian is arrested.*

18 SEC. 2. Section 13517.7 is added to the Penal Code, to read:

19 13517.7. (a) The commission shall develop guidelines and
20 training for use by state and local law enforcement officers to
21 address issues related to child safety when a caretaker parent or
22 guardian is arrested.

23 (b) The guidelines and training shall, at a minimum, address
24 the following subjects:

25 (1) Procedures to ensure that officers and custodial employees
26 inquire whether an arrestee has minor dependent children without
27 appropriate supervision.

1 (2) Authorizing additional telephone calls by arrestees so that
2 they may arrange for the care of minor dependent children.

3 (3) Use of county child welfare services, as appropriate, and
4 other similar service providers to assist in the placement of
5 dependent children when the parent or guardian is unable or
6 unwilling to arrange suitable care for the child or children.

7 (4) Identification of local government or nongovernmental
8 agencies able to provide appropriate custodial services.

9 (5) Temporary supervision of minor children to ensure their
10 safety and well-being.

11 (6) Sample procedures to assist state and local law
12 enforcement agencies to develop ways to ensure the safety and
13 well-being of children when the parent or guardian has been
14 arrested.

15 (c) The commission shall use appropriate subject matter
16 experts, including representatives of law enforcement and county
17 child welfare agencies, in developing the guidelines and training
18 required by this section.

19 SEC. 3. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.